

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

John Anthony Spencer,

Plaintiff,

v.

Civil No. 13-177 (JNE/JJK)  
ORDER

Warden FPC Duluth,  
CO Anderson, CO Baker,  
CO Grabddl, CO Brian H.,  
Unknown CO with CO Baker  
on 12-9-12, Mail Room Staff  
of Dec. 12, 2012 FPC Duluth, et al.,

Defendants.

This matter is before the Court on a Report and Recommendation issued by the Honorable Jeffrey J. Keyes, United States Magistrate Judge, on September 3, 2014. Defendants filed an objection to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 59].

Therefore, IT IS ORDERED THAT:

1. Defendants' Motion to Dismiss [Docket No. 49] is DENIED.
2. Defendants shall file their Answer to the Amended Complaint within 30 days of this Order.

Dated: October 10, 2014

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge